

REMARKS/ARGUMENTS

Applicants respond herein to the Office Action dated December 27, 2007.

Applicants' attorneys appreciate the Examiner's thorough search and examination of the present patent application.

Claims 1-15 are pending in this application. All claims have been rejected.

An amendment to the specification introduced with the Preliminary Amendment filed on May 9, 2006 has been corrected, removing the improper incorporation by reference.

Claims 1 and 12-14 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0093028 A1 to Spiegel ("Spiegel").

Reconsideration of this rejection is respectfully requested.

Claims 2-11 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Spiegel in view of European Publication No. EP 1138348 A1 to Bierbaumer ("Bierbaumer"). Reconsideration of this rejection is respectfully requested.

Claim 1 is directed to an electromagnetic field stimulator device for Anatomic Biophysical Chondroprotection having means of current generation, which supplies a "solenoid with current (i(t)) having a waveform that includes the repetition of a linear ramp with a certain slope." At page 3, line 2 of the present Office Action, the Examiner states that this is disclosed in Spiegel's Figure 7 and paragraph 0075. However, a close inspection of the referenced paragraph and other sections of Spiegel does not reveal the above quoted recitation. Paragraph 0075 of Spiegel states the following:

(0075) In a further embodiment of the present invention, an apparatus transporting at least one medicament to humans and animals through a transdermal site. The apparatus includes a medicament supply located on the site and electromagnets in proximity to the site. A control device is disposed to apply stepwise increasing current to the electromagnets to generate a stepwise changing magnetic field through the transdermal site thereby inducing a DC-like electric field within the material in proximity to the site, the electric field being of sufficient magnitude to increase the rate of transportation of the medicament. This embodiment of the invention is similar to that shown in FIGS. 9 and 10 but employs electromagnets of the type shown in FIG. 6 instead of permanent magnets.

In this paragraph Spiegel describes, a control device provided for applying a stepwise increasing current to the electromagnets to create a stepwise changing magnetic field. A current having a

single, i.e., not repetitive, stepwise increasing waveform, i.e., not a linear ramp. This, therefore, does not teach, disclose, or suggest, “a waveform that includes the repetition of a linear ramp with a certain slope” recited in claim 1.

Moreover, in its main embodiment Spiegel describes the same solution (see for instance Figure 6 and paragraph 0063), i.e., the generation of a stepwise time increasing magnetic field obtained by means of electromagnets 17 mounted on a magnetic core 16. These electromagnets are progressively energized by closing in sequence respective switches 19 by means of a controller 20. The progressive increase of energized electromagnets 17 produces an increase in the applied magnetic field 18. A completely mechanical device described with reference to the Figures 1-15 provided with permanent magnets obtains the same result (see paragraph 0050) to create a stepwise changing (clearly increasing/decreasing depending on the sense of rotation of disk like member 1) magnetic field.

Independent claim 12 includes the same recitation as claim 1.

Thus, Spiegel does not anticipate independent claims 1 and 12.

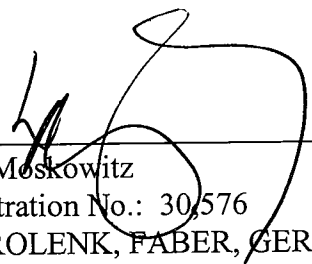
Bierbaumer has not been used to reject the independent claims.

Claims 2-11 and 13-15 depend directly or indirectly from above discussed independent claims 1 and 12 and are, therefore, allowable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the respective independent claims.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON July 2, 2008.

Respectfully submitted,



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